

DETAILED ACTION

1. This Office Action is in response to the communications dated 09/28/2009.
Claims 30, 32-33, 35-48, and 57 are pending in this application.
Claim(s) 1-29, 31, 34, and 49-56 have been cancelled.

Rejoinder

2. Claims 30, 32-33, 35-36, 39-48, and 57 are allowable. The restriction requirement due to distinct species, as set forth in the Office action mailed on 08/27/2008, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 37 and 38, directed to a magnetic bit cell according to claim 36, no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Remarks/Allowance

3. Applicant's argument(s) have been fully considered and are persuasive.

Claim(s) 30, 32-33, 35-48, and 57 are allowed.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao H. Nguyen whose telephone number is (571)272-1791. The examiner can normally be reached on Monday-Friday, 9:00 AM – 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Loke, can be reached on (571)272-1657. The fax numbers for all communication(s) is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1633.

/DAO H NGUYEN/
Primary Examiner, Art Unit 2818
October 25, 2009